



STATE OF NEW JERSEY

Board of Public Utilities

*Two Gateway Center
Newark, NJ 07102*

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
COMCAST CABLEVISION OF HOPEWELL)
VALLEY, INC. FOR A RENEWAL)
CERTIFICATE OF APPROVAL TO)
CONTINUE TO OPERATE AND MAINTAIN A)
CABLE TELEVISION SYSTEM IN AND FOR)
THE BOROUGH OF HOPEWELL, COUNTY)
OF MERCER, STATE OF NEW JERSEY)

RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE01100669

Stryker, Tams and Dill, Newark, New Jersey, by Janice Manganello, Esq., for the Petitioner.

Borough Clerk, Borough of Hopewell, New Jersey, by Hilary Fortenbaugh, for the Borough.

BY THE BOARD:

On February 15, 1985, the Board granted Comcast Cablevision of Hopewell Valley, Inc. ("Petitioner") a Certificate of Approval in Docket No. 848C-7087, for the construction, operation and maintenance of a cable television system in the Borough of Hopewell ("Borough"). Although the Petitioner's Certificate expired on February 15, 2000, it is authorized to continue to provide cable television service to the Borough pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on or about May 13, 1999, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Borough, after public hearing, adopted an ordinance granting renewal municipal consent to the Petitioner on September 4, 2001. On September 18, 2001, the Petitioner formally accepted the terms and conditions of the ordinance, in accordance with N.J.S.A. 48:5A-24.

On October 16, 2001, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, the Borough reviewed these qualifications in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is 15 years. The Board finds this period to be of reasonable duration.
5. The franchise term is subject to an automatic renewal period of ten years, pursuant to N.J.S.A. 48:5A-19, and pursuant to the following requirements. The Petitioner shall provide either: a) the construction of a return line from the municipal center on Columbia Avenue to Hopewell Elementary School; or b) a capital contribution in the amount of \$12,500.00. The Borough's governing body, by way of adoption of a resolution, may elect either option six months prior to the expiration of this Certificate. The Borough may request, by resolution of the governing body, to have construction occur at an earlier date. If the Petitioner agrees to provide the construction during the franchise term, the action shall be deemed as fulfilling the requirements necessary for the grant of an automatic renewal of the franchise. The Petitioner has a minimum of 12 months from the date of a resolution to comply with its terms.
6. Six months prior to the expiration of this Certificate, the Petitioner shall notify the Borough of its right to review the performance of the Petitioner with regard to the ordinance. The Borough may petition the Board for any breach of the material terms and conditions of the ordinance, provided however, that the Petitioner shall first have been provided written notification of all alleged instances of non-compliance and 90 days opportunity to cure any alleged instance of non-compliance from the date of the notification.
7. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.
8. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.

9. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. Currently, the local business office serving this provision is located at 940 Prospect Street in the City of Trenton.
10. The franchise fee to be paid to the Borough is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Borough. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of the Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
11. The Petitioner shall provide service along any public right-of-way to any person's residence or business located in all areas of the franchise territory at tariffed rates for standard and non-standard installation. In all other circumstances, the Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate. The minimum homes per mile figure is 35.
12. The Petitioner shall provide public, educational and governmental ("PEG") access channels, facilities and support personnel in accordance with its application and the Borough's ordinance.
13. Within 12 months of the date of this Certificate, the Petitioner shall provide the Borough with one dedicated access channel for use by the Hopewell Valley Regional High School, contingent upon the Petitioner's ability to secure corridor rights that may be necessary to construct the return line from the High School to the Petitioner's headend.
14. The Petitioner shall provide and maintain the cable, modulators and equipment necessary for the Hopewell Valley High School to send a signal to the Petitioner and receive a return feed of the signal.
15. Within 12 months of the issuance of this Certificate, the Petitioner shall provide Hopewell Valley High School with a capital contribution in the amount of \$50,000.00 for access support. This grant shall be made in the name of the Borough of Hopewell and the Borough of Pennington.
16. Within 12 months of the issuance of this Certificate, the Petitioner shall provide the Borough the choice of either a capital contribution in the amount of \$10,000.00 or an equipment package consisting of the following items or their equivalent: a) AG-19U CCD camcorder; b) Bogen tripod Model #3126; c) Electro Voice hand held microphone; d) two AG-1980 S-VHS decks; e) two CT-1384Y 13" monitors; f) AM-FM stereo cassette receiver; g) AG-A96 Multi-level editing controller; h) audio cables; i) character generator computer; j) software; k) installation; and l) training.

17. Upon reasonable written request by the Borough, the Petitioner shall provide training and technical support to access channel volunteers.
18. If at any time during the duration of the franchise granted herein that the Borough produces 30 hours or more per week of original, non-duplicative video programming for a period of six months, the Petitioner shall provide the Borough with its own dedicated access channel. Only programming produced by the Borough, and not programming produced by Hopewell Valley Regional School District, shall be considered in calculating whether the Borough is producing 30 hours a week of original programming.
19. The Petitioner shall provide a standard installation and basic cable service, free of charge, to each classroom and instructional space in the Borough's elementary school and shall provide two drops and basic cable service, free of charge, to the municipal building and any such building as shall be constructed in the future; and shall provide one drop and basic cable service, free of charge, to each: a) fire department; b) first aid squad; c) library; and d) public works building in the Borough or which may be constructed in the Borough.
20. The Petitioner shall provide free basic Internet service and standard installation via high-speed cable modem, to one non-networked personal computer in each school and library in the Borough.
21. Upon reasonable written request of the Borough, the Petitioner shall appear at least once annually at a public hearing of the governing body, or before the Borough's Cable Television Advisory Committee, to discuss matters pertaining to the provision of cable service to residents of the Borough and other related issues as the Borough and the Petitioner may see fit.

Based upon these findings, the Board HEREBY CONCLUDES, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), that the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein, may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire on February 15, 2015.

DATED: January 10, 2002

BOARD OF PUBLIC UTILITIES
BY:

(signed)

CONNIE O. HUGHES
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

(signed)

CAROL J. MURPHY
COMMISSIONER

ATTEST:

(signed)

HENRY M. OGDEN
ACTING BOARD SECRETARY